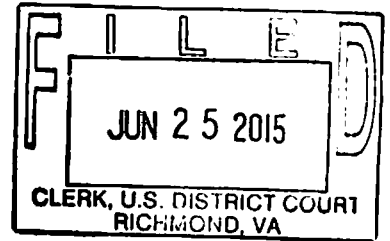


**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**



DERRICK A. MILBOURNE,  
on his own behalf and on  
behalf of those similarly  
situated,

Plaintiff,

v.

Civil Action No. 3:12cv861

JRK RESIDENTIAL AMERICA, LLC,

Defendant.

**ORDER**

Having conferred with counsel by telephone conference on June 24, 2015, and finding it reasonable, fair, and just so to do, and finding it necessary to assure that the previously certified class (ORDER, Docket No. 56) is properly represented by the Plaintiff, it is hereby ORDERED that:

(1) Class discovery is reopened for the limited purposes of developing an accurate and complete factual record respecting: (a) the development of the form that is numbered JRK(DM)000014 (the "Disputed Standalone Form"); and (b) its use and purpose by the Defendant, JRK Residential America, LLC ("JRK") with respect to decisions as to employ (or not to employ) the Plaintiff and members of the Impermissible Use Class as defined by the Class Certification Order (Docket No. 56); and

(2) On July 27, 2015, JRK shall produce for inspection by class counsel the employment and/or application files of: (a) each member

of the Impermissible Use Class who was not hired by JRK during the class period; and (b) each member of the Impermissible Use Class who applied for employment with, or who was hired by, JRK during the class period; and

(3) Production shall be in the offices of class counsel in California; and, following the review, class counsel shall designate the parts of the files to be copied (and shall keep a record of what was so designated); and counsel for JRK shall appropriately copy the documents so designated and deliver them to class counsel together with a certificate that the documents that were designated by class counsel have been copied. The cost of copying shall be the same as the lowest commercial rate in Los Angeles, California or the discounted rate that the Defendant's counsel offers to its clients, whichever is lesser; and JRK shall keep a record of the copying costs incurred; and

(4) The Protective Order entered herein (Docket No. 29) shall apply to the applicant and employment files to be produced pursuant to paragraph (2) above; and

(5) By June 26, 2015, class counsel may serve on JRK additional Interrogatories, Requests for Production of Documents or Requests for Admission addressed to the limited scope of discovery outlined in paragraph (1) above; and, on or before August 14, 2015, class counsel may serve on JRK additional Interrogatories, Requests for

Production of Documents or Requests for Admission determined to be necessary as a result of information in the documents to be produced pursuant to paragraph (2) above or as a result of information in depositions taken in the discovery herein allowed; and, in each instance, JRK shall file its responses to the Interrogatories, Request for Production of Documents (including the production of the requested documents), or Requests for Admission twenty-one (21) days after service thereof; and

(6) All discovery permitted herein, including depositions, shall be completed by September 30, 2015; and

(7) Not later than October 9, 2015, either party may file (a) any motion to decertify or modify the Impermissible Use Class; and (b) any motion for summary judgment respecting the legal effect of the Disputed Standalone Form. Responses shall be filed on October 23, 2015. Reply briefs, if any, shall be filed on October 30, 2015; and

(8) Class counsel shall separately record the fees and expenses incurred in connection with the limited discovery permitted herein.

It is so ORDERED.

/s/ R.E.P.  
Robert E. Payne  
Senior United States District Judge

Richmond, Virginia  
Date: June 24, 2015